



### State Water Resources Control Board

Division of Drinking Water

May 18, 2017

System No. 5010019

Michael Cooke, Municipal Services Director City of Turlock 156 S. Broadway, Suite 270 Turlock, CA 95380

## TRANSMITTAL OF CITATION NO. 01-10-17C-011

The City of Turlock (hereinafter "City") water system (No. 5010019) failed to test 13 of its 1,904 backflow prevention devices in 2016.

The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01-10-17C-011, in response to this violation. The Citation is being transmitted to the City under cover of this letter.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code section 116625) or Article 9 (commencing with Health and Safety Code section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at <a href="mailto:Brian.Kidwell@waterboards.ca.gov">Brian.Kidwell@waterboards.ca.gov</a> or by phone at (209) 948-3963.

Sincerely.

Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

Citation No. 01-10-17C-011

Certified Mail No. 7004 2890 0002 0057 9898

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1	STATE OF CALIFORNIA
2	WATER RESOURCES CONTROL BOARD
3	DIVISION OF DRINKING WATER
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5	
6	TO: City of Turlock
7	156 S. Broadway, Suite 270
8	Turlock, CA 95380
9	
10	Attn: Mr. Michael Cooke, Municipal Services Director
11	City of Turlock
12	
13	CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
14	TITLE 17, SECTION 7605(c)
15	FAILURE TO TEST EACH BACKFLOW PREVENTION DEVICE ANNUALLY
16	CALENDAR YEAR 2016
17	
18	WATER SYSTEM NO. 0510017
19	CITATION NO. 01-10-17C-011
20	Issued on May 18, 2017
21	
22	The State Water Resources Control Board (hereinafter "Water Board"), acting by and
23	through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
24	for the Division (hereinafter "Deputy Director"), hereby issues this Citation (hereinafter
25	"Citation") pursuant to Section 116650 of the California Health and Safety Code
26	(hereinafter "CHSC") to the City of Turlock (hereinafter, "City") for violation of
27	California Code of Regulations (CCR), Title 17, Section 7605(c).

# 1 2 3

## **APPLICABLE AUTHORITIES** Section 116650 of California Health and Safety Code provides:

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(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

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1	Section 7605(c) of the California Code of Regulations provides, in relevant part:
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3	Backflow preventers shall be tested at least annually or more frequently if determined
4	to be necessary by the health agency or water supplier. When devices are found to be
5	defective, they shall be repaired or replaced in accordance with the provisions of this
6	Chapter.
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8	STATEMENT OF FACTS
9	The City water system is operated under Water Supply Permit No. 01-10-15P-005,
10	which was issued on August 24, 2015.
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12	The City water system is publically owned and operated. The water system is located
13	in Stanislaus County, on California Highway 99, approximately 15 miles southeast of
14	the City of Modesto. The City's service area is approximately 25 square miles in size.
15	The water system is classified as a community water system that serves primarily
16	residential customers living within the City's service area. The water system serves
17	approximately 70,132 people through 18,497 service connections. The water system
18	is operated by City personnel.
19	
20	The City obtains all of its domestic water supply from twenty-one groundwater wells.
21	None of the City's wells are continuously disinfected; however the City is equipped
22	with emergency chlorination equipment for each well. The City's wells have a
23	combined source capacity of 30,750 gpm. The City also has three ground level water
24	storage tanks with a total capacity of 3.1 MG.
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26	During the Division's review of the City's 2016 Annual Report, it was noted that only
27	1,891 of the 1,904 backflow prevention devices were tested during 2016. According

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1	to the 2016 Annual Report, and subsequent verification with the City, the City failed to
2	test 13 of its 1,904 backflow prevention devices for calendar year 2016.
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4	<u>DETERMINATION</u>
5	The Division has determined that the City failed to comply with the requirements of
6	Section 7605(c) due to the fact that the City failed to test 13 of its 1,904 backflow
7	prevention devices during 2016. Therefore, the City is in violation of Section 7605(c)
8	of the California Code of Regulations.
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10	<u>DIRECTIVES</u>
11	The City is hereby directed to take the following actions:
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13	1. The City shall test all of its backflow prevention devices by September 30,
14	2017. The City shall also submit a backflow prevention device testing status
15	report and copies of the individual device test reports to the Division by
16	October 13, 2017 (tabulated results will be sufficient).
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18	2. The City shall submit a plan to the Division which outlines a process to ensure
19	that all backflow prevention devices are tested at least annually. The City shall
20	submit this plan for review and approval by no later than October 13, 2017.
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22	The Division reserves the right to make such modifications to this Citation as it may
23	deem necessary to protect public health and safety. Such modifications may be
24	issued as amendments to this Citation, and shall be deemed effective upon issuance.



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1	Nothing in this Citation relieves the City of its obligation to meet the requirements of
2	the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
3	issued or adopted thereunder.
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5	All submittals required by this Citation shall be submitted to the Division at the
6 7 8 9 10 11 12	following address:  Bhupinder S. Sahota, P.E. District Engineer, Stockton District State Water Resources Control Board, Division of Drinking Water 31 E. Channel Street, Room 270 Stockton, CA 9202
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15	<u>PARTIES BOUND</u>
16	This Citation shall apply to and be binding upon the City, its officers, directors,
17	shareholders, agents, employees, contractors, successors, and assignees.
18	y
19	SEVERABILITY
20	The Directives of this Citation are severable, and the City shall comply with each and
21	every provision thereof, notwithstanding the effectiveness of any other provision.
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23	FURTHER ENFORCEMENT ACTION
24	The California SDWA authorizes the Board to: issue citation with assessment of
25	administrative penalties to a public water system for violation or continued violation of
26	the requirements of the California SDWA or any permit, regulation, permit or order
27	issued or adopted thereunder including, but not limited to, failure to correct a violation
28	identified in a citation or compliance order. The California SDWA also authorizes the
29	Board to take action to suspend or revoke a permit that has been issued to a public

water system if the system has violated applicable law or regulations or has failed to

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comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation. 5-18-2017 Bhupinder S. Sahota, P.E. Date District Engineer, Stockton District Division of Drinking Water State Water Resources Control Board Certified Mail No. 7004 2890 0002 0057 9898 



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